

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

MICHAEL GENE BRAZEE

CASE NO. 13-10018-RLJ-13

AKA1:  
DBA1:  
SS#1: xxx-xx- 1617

AKA2:  
DBA2:  
SS#2:

---

**REPORT OF 341 MEETING**

---

I. 341 MEETING REPORT:

A. Orig. Date: 3/8/2013 Orig. Time: 11:00 AM Reset Date: Reset Time:  
B. Meeting Results: Not Held  
C. Debtor(s): Debtor 1 Did Not Appear  
D. Attorney for Debtor(s): Appeared  
E. Creditor Appearance: None  
F. Amount Paid to the Trustee as of 3/8/2013 \$0.00 First Payment Due Date: 3/6/2013  
G. File Trustee's Motion to Dismiss because Debtor failed to appear at creditors meeting.  
H. B22C Information: B22C Form is: Complete  
Budgeted Income: \$4,178.90 Expense: \$3,329.90 Surplus: \$849.00  
Plan Payment: \$849.00 Monthly Plan Term(Months): 36  
I. Value of Non-Exempt Property: \$0.00 Proposed Amount to Unsecured Creditors: \$0.00  
☒ Objection to Exemption of: Exempts multiple vehicles Fed (d)(2) for single debtor  
☐ Repeat Filing (If case dismissed, it should be with prejudice) Previous Case Numbers:  
☐ Object to Invoke Stay Pleading  
☐ Case Converted from Chapter 7, Bar Date Set: 6/6/2013 Date Converted from Chapter 7:  
J. Required Information: DSO Affidavit  
K. Business Information:  
L. Object to Confirmation: Yes

Exemptions: multiple vehicles exempted for single debtor under Fed (d)(2) motor vehicle category  
Sch B lists 1995 tracker & Trike Bike as one value  
Feasibility until non-exempt property figure can determined  
Sch J fails to list direct payment 95 Tracker & Trike Bike  
Plan provides FNB Anson's 96 Tahoe \$6,874.13 claim as under secured & direct  
Plan fails to provide for FNB Anson's \$1,242.65 secured claim  
Plan fails to provide for FNB Anson's \$226.50 secured claim  
Feasibility until all claims are properly treated  
22c fails to include all income sources  
Sch I fails to include all income sources  
Debt servicing 95 Tracker & trike bike loan at detriment to unsecured creditors  
Failure to include all disposable income

M. Financial Management Class: Debtor 1 Did Not Appear

N. Eligibility:

Certificate of Credit Counseling Filed: Debtor 1 Only  
Credit Counseling Provider Approved: Yes  
Debt Limits Exceeded (Secured-\$1,081,400; Unsecured-\$360,475): No

O. Domestic Support Obligation: \$0.00 Current: Arrears: \$0.00

Affidavit and Disclosure of Domestic Support Obligations Received: Yes

P. Remarks: Mr. Brazee will be responsible for getting FMC on his own & at his own expense since he did not appear.  
MTD  
-DSO Affidavit

Walter O'Cheskey

Chapter 13 Trustee

6308 Iola Avenue Lubbock, TX 79424

(806) 748-1980 Phone (806) 748-1956 Fax

Questions

- Why did Trisha Brazee decide not to file?
  - Married, separated, divorced? SOFA 16 is blank, but tax returns show married & 3 kids.
  - Where are children minor children if Mr does not owe a DSO Obligation?
  - Verbal or court ordered support?
- Sch C exempts multiple vehicles for single debtor under Fed (d)(2) motor vehicle category.
  - Objection will be filed on or before 4/5/2013
- Sch B lists 1995 tracker & Trike Bike as one value.
- Feasibility until non-exempt property figure can determined.
- Sch J fails to list direct payment 95 Tracker & Trike Bike
- Plan provides FNB Anson's 96 Tahoe \$6,874.13 claim as under secured & direct
- Plan fails to provide for FNB Anson's \$1,242.65 secured claim
- Plan fails to provide for FNB Anson's \$226.50 secured claim
- Feasibility until all claims are properly treated.
- Plan is proposed 100% so acknowledgement will cure disposable income objections
  - Correct MTD; Amd Sch B, C, & J; treat secured claims; & acknowledge 100% as proposed
- 22c fails to include all income sources
  - Mr's only income sources were \$830 net SS & \$3,244 gross VA disability?
  - Mr's VA income was last verified 3/1/2003 10 years ago.
  - Spouse has not been in or contributed to household?
- Sch I fails to include all income sources
  - Mr's only income sources are \$830 net SS & \$3,244 gross VA disability?
  - Mr's VA income was last verified 3/1/2003 10 years ago.
  - Spouse is not contributing to household?
- Debt servicing 95 Tracker & trike bike loan at detriment to unsecured creditors
  - 96 Tahoe is already financed so how are 95 Tracker & Trike Bike necessary?
- Failure to include all disposable income

Dated: 3/8/2013

/s/ Walter O'Cheskey

Standing Bankruptcy Trustee

By: Brent Hagan

Case Number:	13-10018
Debtor:	Brazee
Attorney:	MJW
Presiding Officer:	Brent Hagan
Calculation Date:	3/7/2013 14:19

Domestic Support <b>Input name from Plan</b>	Arrears Enter amount from Plan	Int. Rate Enter from Plan	Term Per Plan	Calculated Monthly Payment	Total Pmt. Per Term of Plan
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00

Secured Creditor/Collateral <b>Input name from Plan</b>	Value/Claim Amount Enter amount from Plan	Int. Rate Enter from Plan	Term Per Plan	Calculated Monthly Payment	Total Pmt. Per Term of Plan
Cascade	\$10,000.00	6.00%	20	\$526.66	\$10,533.29
FNB Anson - \$1,242.65 not provided for	\$0.00	0.00%	1	\$0.00	\$0.00
FNB Anson - \$226.50 not provided for	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00
	\$0.00	0.00%	1	\$0.00	\$0.00

Priority Creditor <b>Input name from Plan</b>	Value/Claim Amount Enter amount from Plan		Term Per Plan	Calculated Monthly Payment	Total Pmt. Per Term of Plan
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00
	\$0.00		1	\$0.00	\$0.00

Attorney Fees <b>Paid Through the Plan</b>	\$3,176.00			\$3,176.00
Noticing Fees	\$57.60			\$57.60
Clerk Filing Fees	\$0.00			\$0.00

Hardacre Minimum	\$0.00	<div> <div>&lt;-----</div> <div>Greater Of -----&gt;</div> <div>&lt;-----</div> </div>	
Chapter 7 Minimum (Gross)	\$0.00		
Less Trustee Fees	\$0.00		
Less Attorney Fees	\$3,176.00		
Less Noticing Fees	\$57.60		\$0.00
Less Clerk Filing Fees	\$0.00		
Less Scheduled Priority Claims	\$0.00		
Less Other (Explain Below)	\$0.00		
Chapter 7 Minimum (Net)	\$0.00		

Total Scheduled General Unsecured Claims (Limits Greater of Hardacre or Chapter 7 Minimum)	\$15,238.00
--	-------------

Calculated Base (Admin, Secured, Priority, DSO, Lower of Minimum or Sched U/S & Trustee Fee)	\$15,290.14
Debtor Plan Base (Monthly Payment X Term)	\$30,564.00
Surplus (Debtor Plan Base - Calculated Base)	\$15,273.86

Comments:

